

DOCKET NO: 251960US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

SHIGEO TOCHIKUBO :

ATTN: APPLICATION DIVISION

SERIAL NO: 10/823,765 :

FILED: APRIL 14, 2004 :

FOR: ELECTROLYTIC WATER
PURIFIER :

PETITION UNDER 37 CFR § 1.47(b)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

It is requested that the Office GRANT Petitioner's request under 37 CFR § 1.47(b) after considering the accompanying evidence and

Remarks, which begin on page 2 of this paper and refer to

Attachments that appear at the end of this document and include the following:

- (i) Declaration, Power of Attorney, and Petition signed by Mr. Susumu Ushigome on behalf of TYK Corporation in lieu of Mr. Shigeo Tochikubo who refuses to sign.
- (ii) First Declaration under 37 CFR § 1.132 by Mr. Hiroshi Ohkawa.
- (iii) Second Declaration under 37 CFR § 1.132 by Mr. Susumu Ushigome.
- (iv) Written Employment Agreement for Part-time Employee of Advanced Age (In Japanese with English Translation) signed by Shigeo Tochikubo and Susumu Ushigome.
- (v) Certification Under 37 CFR § 3.73(b) establishing that Susumu Ushigome is empowered to act on behalf of TYK Corporation (with Attachment).

REMARKS

TYK Corporation, hereby petitions that the attached Declaration, Power of Attorney and Petition be accepted by the Office. This Declaration has been executed by Susumu Ushigome, President and CEO of TYK Corporation, on behalf of the sole inventor, Mr. Shigeo Tochikubo, who refuses to sign. It is believed that this Declaration meets the necessary requirements of 37 CFR §1.63.

Applicant wishes to enter into the official record of the fact that Mr. Shigeo Tochikubo, the sole-inventor for the above-identified application refuses to sign the Declaration, Power of Attorney and Petition. Thus, TYK Corporation, Mr. Tochikubo's former employer, requests that the Office favorably consider the following remarks and accompanying evidence and GRANT the Petition, which will establish TYK Corporation as a bone-fide Rule 47(b) Applicant.

- (1) Petitioner encloses herewith the prescribed fee as set forth in 37 CFR § 1.17(h). In the event that the enclosed amount varies with the require amount, Petitioner's representative authorizes the Office to charge any additional fees to deposit account number 15-0030.
- (2) Mr. Shigeo Tochikubo's last known address is as follows:
Mr. Shigeo Tochikubo
c/o Takaoka Chemical Co., Ltd.
80, Nagare, Jimokuji-cho,
Ama-gun, Aichi-ken, 490-1111, Japan
- (3) Petitioner encloses herewith proof, in the form of a Rule 132 Declaration by Hiroshi Ohkawa, which sets forth facts and details that Shigeo Tochikubo received a complete application, and details that Shigeo Tochikubo orally refused to sign the Declaration, Power of Attorney and Petition and Assignment documents.
- (4) Petitioner encloses herewith proof, in the form of a Second Declaration under 37 CFR § 1.132 by Mr. Susumu Ushigome, that Mr. Shigeo Tochikubo was employed by TYK Corporation at the

time in which he invented subject matter of the above-identified application.

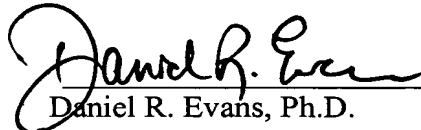
- (5) Petitioner encloses herewith proof in the form of a Japanese Written Employment Agreement for Part-time Employee of Advanced Age (with English Translation) that TYK Corporation has sufficient proprietary interest in the subject matter contained in the above-identified application to justify the filing of the application.
- (6) Petitioner encloses herewith a Certification Under 37 CFR § 3.73(b) establishing that Susumu Ushigome is empowered to act on behalf of TYK Corporation.
- (7) It is noted that a filing date is necessary to preserve the rights of TYK Corporation in order to prevent irreparable damage.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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